

# HIGHWAYS - TRANSPORTATION

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## HIGHWAY ADVERTISING

### 1. Types of Activities Regulated

A permit is required from the Montana Department of Transportation (MDT) for placing outdoor advertising signs along or within site of the right-of-way of interstate and primary highways. Standards for maintenance of permitted advertising are outlined in the statutes and rules.

On the interstate highway system, advertising is allowed for FOOD-PHONE-GAS-LODGING through the LOGO SIGNS program and on noninterstate routes through the Tourist Oriented Directional Sign (TODS) Program.

Statute: 75-15-101, *et seq.*, MCA (Outdoor Advertising Act)  
60-5-511 through 522, MCA (LOGO and TODS Programs)

Rule: ARM 18.6.202-18.6.263

Contact: DEPARTMENT OF TRANSPORTATION  
Engineering Division  
Right of Way Bureau

### 2. Application Requirements

Applications for outdoor advertising permits are available from the MDT. The owner of the land affected must agree to the erection or maintenance of the advertising sign. Also, some cities, towns and counties have local sign ordinances or regulations, so written approval from the local zoning authority should be received before applying for a permit. Each sign is given a designated permit number and a permanent identification plate that must be attached to the structure. A permit is required for each sign site.

Statute: 75-15-122, MCA

Rule: ARM 18.6.211

### 3. Fees

The MDT requires an initial application fee and a fee for a renewable three year permit based on the square footage of the sign.

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Statute: 75-15-122, MCA  
Rule: ARM 18.6.211 and 18.6.214  
Contact: DEPARTMENT OF TRANSPORTATION  
District and Area Offices (see APPENDIX 2)

### **HIGHWAY APPROACH PERMITS**

#### **1. Types of Activities Regulated**

Permits are required from the Montana Department of Transportation (MDT) for the construction of driveways and other approaches intersecting public streets and highways.

Statute: 60-2-201, MCA  
Rule: ARM 18.5.104, 18.5.105 and 18.5.113  
Contact: DEPARTMENT OF TRANSPORTATION  
District and Area Offices (see APPENDIX 2)

#### **2. Application Requirements**

Applications are available at the MDT District Offices or at the department website at <http://mdt.mt.gov>. An application must be made by the owner of the property being served, the contract purchaser or the owner of a long term lease with more than five years remaining on the lease, or their authorized agents. A brief description of the proposed work, location and a plot plan must be included in the permit application. If the District Engineer determines that the approach will have a significant impact, the applicant may be required to include an Environmental Impact Statement (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123) or traffic study with the approach application. No more than two approaches will be approved for any single property tract or business establishment. Exceptions may be made where the frontage exceeds 500 feet or special conditions exist that may benefit the traveling public.

Rule: ARM 18.5.104 and 18.5.105

#### **3. Permitting Procedures**

- 1) A request for a permit to construct or reconstruct a residential, commercial, industrial, public street or road approach should be made to the District

Engineer having jurisdiction in the area. A brief description of the proposed work must be included in the request together with a plot plan and the location of the work.

- 2) Upon receipt of the request, the District Engineer will arrange for a meeting with the applicant in order to discuss the proposed approach.
- 3) The District Engineer and the District Traffic Engineer have authority to approve curb cuts and public and private approaches, subject to all access control resolutions and/or MDT ownership.

Rule: ARM 18.5.104

## **HIGHWAY ENCROACHMENTS - OCCUPANCY PERMITS**

### **1. Types of Activities Regulated**

Occupancy agreement, common use agreement or encroachment permit are the terms the Montana Department of Transportation (MDT) uses for the documents an owner must secure prior to occupying a highway right-of-way, whether overhead, underground or on the surface. Encroachment permits are issued by the MDT for construction or maintenance of encroachments on or under highway rights-of-way. Agreements for occupancy or common use showing the conditions of the right-of-way occupancy may also be obtained from the MDT for encroachments on or across state highway rights-of-way. Encroachments include all private structures, devices and facilities placed on, over or under the right-of-way, including ditches, dikes, flumes, canals or bridges. Encroachment permits are also required for landscaping on highway property by a private individual or agency. Public utility facilities such as water, sewer, electric, natural gas and communications lines may occupy highway rights-of-way by occupancy agreement with the MDT.

Similar permission is required from the Board of County Commissioners for any work on county roads or rights-of-way.

### **2. Permitting Procedures**

The appropriate permit may be obtained from one of the five MDT district offices (see APPENDIX 2) or at the department website at <http://mdt.mt.gov>.

Statute: 7-14-2139, MCA (county roads and rights-of-way)

Rule: ARM 18.7.101-18.7.108 (private occupancy of highway rights-of-way)

ARM 18.7.201-18.7.206, 18.7.211, 18.7.221-18.7.232 (utility occupancy of highway rights-of-way)

Contact: DEPARTMENT OF TRANSPORTATION  
Engineering Division; or  
District and Area Offices (see APPENDIX 2)

BOARD OF COUNTY COMMISSIONERS

See also HIGHWAY UTILITY EASEMENTS, p. 169.

## **ROADSIDE JUNKYARDS**

### **1. Types of Activities Regulated**

The Montana Department of Transportation (MDT) may issue a license for a junkyard situated within 1,000 feet of a primary or interstate highway if the facility is screened from view or not visible from a main traveled course, located within an area zoned for industrial use or located within an unzoned area the MDT has defined as industrial based on actual uses. Junk includes scrap metals, rags, debris, etc. MOTOR VEHICLE WRECKING FACILITIES (see p. 152) and garbage dumps or sanitary landfills (see SOLID WASTE DISPOSAL, p. 154) are licensed by the Montana Department of Environmental Quality.

Statute: 75-15-201, *et seq.* MCA

Contact: DEPARTMENT OF TRANSPORTATION  
Engineering Division  
*Right of Way Bureau*